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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,448

07/18/2003

Tsutomu Ohishi

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7590

06/07/2010

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EXAMINER

KAU, STEVEN Y

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

06/07/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/621,448	OHISHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	STEVEN KAU	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11,13 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,13 and 15-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to Applicant(s) arguments filed on 03/01/2010.

- The following is the current status of claims:

Claims 3, 12, 14 and 24-26 have been canceled, and claims 1, 2, 4-11, 13, and 15-23 remain pending for examination, with claims 1, 22 and 23 being independent. Claims 1, 22 and 23 have been amended.

- Response to Remarks/Arguments:

(1) Applicant's arguments filed 03/01/2010, with respect to claims 1, 2, 4-11, 13 and 15-23 have been fully considered but they are not persuasive for the following reasons, see sections I (response to Remarks/Arguments) and II (repeated rejections).

Applicant argues the prior art Matsushima (US 2002/0144257) does not teach “an application launch part configured to access launch selection information, the launch selection information indicating at least an auxiliary storage device that stores one or more applications from among a plurality of kinds of auxiliary storage devices, or that an application launch part launches one or more applications from an auxiliary storage device by issuing an execution command which is stored in the auxiliary storage device.” Page 10, Remarks/Arguments.

In re, the examiner respectfully disagrees with the above argument. The word “launch” means “to start” or “to give a start”, see dictionary.com; an application launch part, is a part to give a start of an application; Matsushima discloses a web browser, i.e. Browser 135 of Fig. 2, to start or to launch the application plug-in for downloading the software, see step 402 of Fig. 4, Pars. [0070] and [0072]. With respect to the limitation of “the launch selection information indicating at least an auxiliary storage device that stores one or more applications from among a plurality of kinds of auxiliary storage devices, or that an application launch part launches one or more applications from an auxiliary storage device by issuing an execution command which is stored in the auxiliary storage device”, the examiner finds a fact that prior art Matsushima indeed teaches this limitation. For example, “the launch selection information indicating at least an auxiliary storage device that stores one or more applications (**i.e. Multifunction Machine displays the link on the browser and user selects the link and the reference destination of the link for downloading software from a auxiliary storage device, i.e. Server 20 of Fig. 1, Figs. 1, 2 & 4, Pars. [0070] to [0075]**) from among a plurality of kinds of auxiliary storage devices (**referring to Figs. 1 and 2, software components are stored in an external storage space, i.e. Server 20 of Fig. 1, and Fig. 2 shows a list of software components accumulated in Server 20 on the display section, Par. [0036], thus, Server 20 provides an auxiliary storage space to the multifunction machine 10 of Fig. 1; it is noticed that Fig. 1 shows a network with Multifunction Machine 10 and Server 20 for embodiment demonstration purpose; One skill in the art realizes that a network can have**

Art Unit: 2625

**multiple devices, i.e. servers, computers and their peripherals such printers and copier machines connected as shown in Figs. 10A-B, 14 and 15 etc., thus, downloading a software component from Server 20 implies downloading an application from among a plurality of kinds of auxiliary devices)."**

Applicant further argues, "Specifically, the software component downloaded from server 20 in Matsushima is merely described as being executed. Nothing in Matsushima describes issuing an execution command *which is stored in the auxiliary storage device.*" Page 10, Remarks/Arguments.

In re, the examiner respectfully disagrees with the above argument. With respect to the claim limitation, "wherein the application launch part launches the one or more applications from the auxiliary storage device by issuing an execution command which is stored in the auxiliary storage device", the examiner finds prior art Matsushima teaches this limitation as well. For instance, "wherein the application launch part launches the one or more applications from the auxiliary storage device by issuing an execution command which is stored in the auxiliary storage device (**referring to Fig. 4, a process of downloading a software component, i.e. multifunction machine 10 sends a request command for authentication in Step 404, and receives the authentication information form Server 20 in Step 407; multifunction machine 10 access the target URL and Server 20 transmit the requested software component to multifunction machine 10 in Steps 408 to 411; thus, executing commands such**

Art Unit: 2625

**requesting authentication, accessing to the target URL and downloading the software components are stored in Server 20 so that a software download communication is established, Pars. [0070] to [0075])."**

Further, claim 1 is directed to an image forming apparatus, and it comprises only two structural elements, i.e. (1) an application launch part, and (a part configured to display a setting screen), which are taught by prior art Matsushima.

According to MPEP 2114, "APPARATUS CLAIMS MUST BE STRUCTUR-ALLY DISTINGUISHABLE FROM THE PRIOR ART"

">While features of an apparatus may be recited either structurally or functionally, claims< directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. >In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971) ;< In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). "[A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original)." Thus, with the part art teaching discussed above and the guidelines of MPEP, applicant's arguments presented in the Remarks/Arguments are not persuasive.

The examiner believes that the rejection given in the previous Action is proper and still stands. The examiner would like to reference the applicant to the following section of how the prior art teaches the claim limitations.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 13 and 15 to 22 are rejected under 35 U.S.C. §101 because the claimed inventions are directed to non-statutory subject matter. Claim 22, an independent claim, is directed to a "computer readable medium". The recent Office Gazette Notice (Volume 1351, February 23, 2010) regarding "computer readable medium" claims makes clear that the terms "computer readable medium" and "machine readable medium" are presumed to include ineligible transitory signals.

The sections of the Office Notice, recites:

"The United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. See *In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory

Art Unit: 2625

propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01.”

“When the broadest reasonable interpretation of a claim covers a signal per se, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. See *In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009; p. 2.”

“..... A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim. Cf. *Animals - Patentability*, 1077 Off. Gaz. Pat. Office 24 (April 21, 1987) (suggesting that applicants add the limitation "non-human" to a claim covering a multi-cellular organism to avoid a rejection under 35 U.S.C. § 101). ...”

A signal is a form of energy. Thus, a signal is not a machine, not a process, not a manufacturing and composition of matter. Therefore, the claimed subject matter, i.e. a “computer-readable medium” in claims 13 and 22 is directed to a non-statutory subject matter. Thus, claims 13 and 22 are rejected under 35 U.S.C. §101. As indicated in the Office Gazette notice, the term "non-transitory" can be used in the claim to exclude ineligible signal embodiments and make the claim eligible under 101.



The Office Gazette notice can be found at

<http://www.uspto.gov/web/offices/com/sol/og/2010/week08/TOC.htm#ref20>.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4-10, 15-20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsushima (US 2002/0144257).

Regarding claim 1.

An image forming apparatus (**referring to Multifunction Machine 10 of Fig. 2**) that includes service modules for performing system side processes on image formation (**referring to Service Modules 141, 142, etc., of Fig. 2**), wherein applications can be added to the image forming apparatus separately from the service modules (**applications, i.e. printer application and copier application, etc., can be added to the apparatus, Par. [0062]**), the image forming apparatus comprising:  
an application launch part (**the word “launch” means "to start" or "to give a start", see dictionary.com; an application launch part, is a part to give a start of an application; Matsushima discloses a web browser, i.e. Browser 135 of Fig. 2, to**

Art Unit: 2625

**start or to launch the application plug-in for downloading the software, see step 402 of Fig. 4, Pars. [0070] and [0072])** configured to access launch selection information (**i.e. embodiments of downloading with plug-in or with an applet in Java program, Pars. [0069] to [0081]**), the launch selection information indicating at least an auxiliary storage device that stores one or more applications (**i.e. Multifunction Machine displays the link on the browser and user selects the link and the reference destination of the link for downloading software from a auxiliary storage device, i.e. Server 20 of Fig. 1, Figs. 1, 2 & 4, Pars. [0070] to [0075])** from among a plurality of kinds of auxiliary storage devices (**referring to Figs. 1 and 2, software components are stored in an external storage space, i.e. Server 20 of Fig. 1, and Fig. 2 shows a list of software components accumulated in Server 20 on the display section, Par. [0036], thus, Server 20 provides an auxiliary storage space to the multifunction machine 10 of Fig. 1; it is noticed that Fig. 1 shows a network with Multifunction Machine 10 and Server 20 for embodiment demonstration purpose; One skill in the art realizes that a network can have multiple devices, i.e. servers, computers and their peripherals such printers and copier machines connected as shown in Figs. 10A-B, 14 and 15 etc., thus, downloading a software component from Server 20 implies downloading an application from among a plurality of kinds of auxiliary devices**), and configured to launch the one or more applications from the auxiliary storage device according to the accessed launch selection information (**i.e. software components of Fig. 3, i.e. applications shown in Fig. 2, is download from Server 20, the auxiliary storage**

**device, Pars . [0069] to [0080]); and**

a part configured to display a setting screen that sets the launch selection information on a display part of the image forming apparatus (**i.e. after the authentication process, a display section displays the list of software components for selection, Par. [0008], and components displayed on the list can be selected to change in accordance with contract form, Pars. [0118] to [0121]), and configured to store information input from the setting screen as the launch selection information (referring to Figs. 1, 4 ad 6, downloaded software is loaded to the main storage RAM 13 for execution, Par. [0034], in addition, the multifunction machine includes a Large Capacity Storage Device 18 of Fig.1 to store downloaded software components, Par. [0035]), wherein the service modules are stored in a memory distinct from the auxiliary storage device (i.e. the service modules of Platform 120 of Fig. 2 are stored in ROM 12 of Fig.1, Par. [0034]), wherein the one or more applications are installed in the auxiliary storage device (referring to Fig. 3, software components are stored in Server 20 of Figs 1 & 3, Par. [0062]), and wherein the application launch part launches the one or more applications from the auxiliary storage device by issuing an execution command which is stored in the auxiliary storage device (referring to Fig. 4, a process of downloading a software component, i.e. multifunction machine 10 sends a request command for authentication in Step 404, and receives the authentication information form Server 20 in Step 407; multifunction machine 10 access the target URL and Server 20 transmit the requested software component to multifunction machine 10 in Steps 408 to 411; thus, executing commands such**

**requesting authentication, accessing to the target URL and downloading the software components are stored in Server 20 so that a software download communication is established, Pars. [0070] to [0075]).**

Regarding Claim 4, dependent from Claim 1.

Matsushima discloses wherein the application launch part launches the application by referring to information on the application (**i.e. user selects or defines the link to download the necessary software components, Fig. 4 and Par. [0072] ).**

Regarding Claim 5, dependent from Claim 4.

Matsushima discloses wherein the information referred to by the application launch part is address information of the application (**i.e. “selects the link displayed on the browser” and “the browser starts the plug-in for downloading the software”, involves URL address, Par. [0072]).**

Regarding Claim 6, dependent from Claim 1.

Matsushima discloses wherein the application launch part determines whether the application is installed at the location according to presence or absence of predetermined information on the application, and the application launch part launches the application if the application is installed at the location (**referring to Figs. 4 and 6, processes of downloading software components from Server 20; software components are downloaded to the multifunction machine from Server 20 to the main memory, i.e. RAM 13 of Fig. 1, Par. [0034] and executed by the machine; that is, installed in the machine, Pars. [0036] & [0062]).**

Regarding Claim 7, dependent from Claim 1.

Matsushima discloses wherein the application launch part refers to setting information including information indicating whether a predetermined application is to be launched, and the application launch part launches the predetermined application if the setting information includes information indicating the predetermined application is to be launched (**i.e. a selection unit selects a desired software component from a list of software components in Server 20 and a acquire unit acquires the software component from Server 20, Par. [0009]**).

Regarding Claim 8, dependent from Claim 1.

Matsushima discloses wherein the application launch part refers to setting information including information indicating applications to be launched, and the application launch part launches the application indicated in the information (**the teaching of this limitation by Matsushima is set forth in the above discussion in Claims 4, 5 & 7**).

Regarding Claim 9, dependent from Claim 8.

Matsushima discloses the image forming apparatus further comprising: a part for displaying a setting screen for setting the setting information on a display part of the image forming apparatus, and storing information input from the setting screen as the setting information (**i.e. a display section displays a list of software components for selection and downloading, therefore, the downloaded software must be stored in RAM 13 before it is executed by CPU 11 and the multifunction machine also includes a Large Capacity Storage Device 18 to store download software components, Fig. 1, Pars. [0009], [0010], [0035], [0127]**).

Regarding Claim 10, in accordance with claim 1.

Matsushima disclose that the image forming apparatus further comprising a virtual application service (**i.e. Java Virtual Machine, or JVM**) that operates as a client process for the services modules (**i.e. the multifunction machine is required to provided JVM for software component downloading, Pars. [0078] & [0079] and Fig. 6**) and operates as a server process for the applications, wherein the virtual application service includes the application launch part (**referring to Figs. 6 & 7, JVM is used for downloading software components, thus, it must includes the downloading module, i.e. browser for the software component download, Par. [0078] & [0079]**).

Regarding Claim 22.

Claim 22 is directed to a computer readable medium claim which substantially corresponds to operation of the device in claim 1, with processing steps directly corresponding to the function of device elements in claim 1. Thus, claim 22 is rejected as set forth above for claim 1.

Regarding Claim 15, in accordance with claim 22.

Claim 4 recites identical features as claim 15, except claim 15 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 4 are also equally applicable to claim 15.

Regarding Claim 16, in accordance with claim 16.

Claim 5 recites identical features as claim 16, except claim 16 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 5 are also equally applicable to claim 16.

Regarding Claim 17, in accordance with claim 22.

Claim 6 recites identical features as claim 17, except claim 17 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 6 are also equally applicable to claim 17.

Regarding Claim 18, in accordance with claim 22.

Claim 7 recites identical features as claim 18, except claim 18 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 7 are also equally applicable to claim 18.

Regarding Claim 19, in accordance with claim 22.

Claim 8 recites identical features as claim 19, except claim 19 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 8 are also equally applicable to claim 19.

Regarding Claim 20, in accordance with claim 19.

Claim 9 recites identical features as claim 20, except claim 20 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 9 are also equally applicable to claim 20.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 11, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima (US 2002/0144257) as applied to Claims 1 and 22 above, and in view of Washino et al (US 5,537,157).

Regarding claim 2, in accordance with claim 1.

Matsushima discloses wherein the auxiliary storage device is at least one of a hard disk device (i.e. **Server 20 must have a hard drive to store software components as shown in Fig. 3**), and a computer connected to the image forming apparatus via a network (**referring to Fig. 1, Server 20 is connecting to Multifunction Machine 10 via a network**).

Matsushima does not explicitly disclose a recording medium removable from the image forming apparatus without disassembling any other portion of the image forming apparatus.

Washino teaches a recording medium removable from the image forming apparatus without disassembling any other portion of the image forming apparatus (**with removable hard disk or disk drives with removable media does not require to disassembling any portion of the image forming apparatus, col 4, lines 44-53**).



Having an image forming apparatus of Matsushima '257 reference and then given the well-established teaching of Washino' 157 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the image forming apparatus of Matsushima '257 reference to include a recording medium removable from the image forming apparatus without disassembling any other portion of the image forming apparatus as taught by Washino' 157 reference. The motivation for doing so would have been to increase the accessibility of updating software of the image forming apparatus without disassembling the apparatus and further the services provided could easily be established for one another with predictable results.

Regarding Claim 11, dependent from Claim 2.

Matsushima discloses wherein the image forming apparatus receives an application from the computer connected to the image forming apparatus via a network by using a http protocol or a tip protocol, and the application launch part launches the received application (**i.e. the NCS 145 module has server daemons for HTTPD, FTPD, & SNMPD, etc., network protocols, Par. [0061]**).

Regarding Claim 13, in accordance with claim 22.

Claim 2 recites identical features as claim 13, except claim 13 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 2 are also equally applicable to claim 13.

Regarding Claim 21, dependent from Claim 13.

Claim 11 recites identical features as claim 21, except claim 21 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 11 are also equally applicable to claim 21.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima (US 2002/0144257) in view of Washino et al (US 5,537,157).

Regarding Claim 23.

Claim 23 is directed to an image forming apparatus claim which substantially corresponds to the structural elements and their operation of the device in claim 1, except that claim 1 does not include the limitation of “disclose the auxiliary storage device corresponding to a recording medium removable from the image forming apparatus without disassembling any other portion of the image forming apparatus”. Matsushima discloses all claim structural elements of claim 23 as discussed in claim 1 with the following exception.

Matsushima does not disclose the auxiliary storage device corresponding to a recording medium removable from the image forming apparatus without disassembling any other portion of the image forming apparatus.

Washino teaches a recording medium removable from the image forming apparatus without disassembling any other portion of the image forming apparatus **(with removable hard disk or disk drives with removable media does not require to disassembling any portion of the image forming apparatus, col 4, lines 44-53).**

Having an image forming apparatus of Matsushima '257 reference and then given the well-established teaching of Washino' 157 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the image forming apparatus of Matsushima '257 reference to include a recording medium removable from the image forming apparatus without disassembling any other portion of the image forming apparatus as taught by Washino' 157 reference. The motivation for doing so would have been to increase the accessibility of updating software of the image forming apparatus without disassembling the apparatus and further the services provided could easily be established for one another with predictable results.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2625

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Kau whose telephone number is 571-270-1120 and fax number is 571-270-2120. The examiner can normally be reached on Monday to Friday, from 8:30 am -5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Steven Kau/  
Examiner, Art Unit 2625  
May 26, 2010

/David K Moore/

Application/Control Number: 10/621,448

Page 20

Art Unit: 2625

Supervisory Patent Examiner, Art Unit 2625